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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,528	02/18/2004	Ovadia Sagiv	33 4 p-Sagiv	1501
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Barber Legal PO Box 16220 Golden, CO 80402-6004			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,528	<b>Applicant(s)</b> SAGIV, OVADIA	
	<b>Examiner</b> Gerald Gauthier	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) 7 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/18/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show legends on FIGS. 3-5 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1-6, 8-11 and 13-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Kennedy et al (US 2003/0032393 A1).

Regarding **claim(s) 1, 2 and 13**, Kennedy discloses a computer audio input/output device (paragraph 0002) comprising:

a personal computer having an operating system and a full duplex voice sound card (paragraph 0025);

the sound card having a first standard mini-jack input, and having a second standard mini-jack output; a first software device respectively providing audio input and output to the respective first and second jacks (paragraphs 0030 and 0031);

an electronic interface unit having, at least two standard mini-jack plugs, and a standard telephone jack plug; a second software device responsive to inputs commanded by the telephone via the electronic interface device (paragraph 0032);

a signal conversion circuit connecting a voice signal from the standard telephone jack to the input mini-jack, and connecting an audio signal from the output mini-jack to the standard telephone jack plug (paragraph 0034).

Regarding **claim(s) 3 and 14**, Kennedy discloses a Voice over Internet Protocol device further comprising a Serial Bus port such as USB/PS2 plug and the operative connection further comprising a power conversion circuit connecting an electrical power signal from the computer's Serial Bus port to the standard telephone jack plug (paragraph 0034).

Regarding **claim(s) 4 and 15**, Kennedy discloses a Voice over Internet Protocol device further comprising an application program; the application program having a software database of VoIP addresses and telephone numbers, the application program having a communications port monitoring module able to open a duplex voice over internet protocol connection to the internet and able to open a duplex voice connection to a Public Switched Telephone Network, the application program having a detection module able to process a DTMF connection request of a device attached to the standard telephone jack to a selected address (paragraph 0033).

Regarding **claim(s) 5 and 16**, Kennedy discloses a Voice over Internet Protocol device wherein the electronic interface unit further comprises an Electrical Magnetic Interference / Radio Frequency Interference suppression module that protects the

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interface unit and Personal Computer from EMI/RFI noise from the environment in both radiated and conducted modes (paragraph 0025).

Regarding **claim(s) 6 and 17**, Kennedy discloses a Voice over Internet Protocol device wherein the electronic interface unit further comprises a power limit module (paragraph 0025);

a power limit module providing protection to the electronic interface unit and personal computer from any voltage above 6.5 Vdc (paragraph 0025).

Regarding **claim(s) 8 and 18**, Kennedy discloses a Voice over Internet Protocol device wherein the electronic interface module further comprises a selector module; the selector module including a DTMF detector, a ringer, and a three position switch, wherein in the first position, the standard telephone jack is connected to the computer for VoIP communications (paragraph 0027); and

wherein in the second position, the standard telephone jack is connected to a PSTN service; and wherein in the third position, the standard telephone jack is connected to both the PSTN service and the computer for conference calling spanning both PSTN service and VoIP service (paragraph 0027).

Regarding **claim(s) 9 and 19**, Kennedy discloses a Voice over Internet Protocol device of claim 8, wherein the switch further comprises a DTMF detector able to receive

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DTMF codes from the standard telephone jack and alter the position of the switch in response to such DTMF codes (paragraph 0028).

Regarding **claim(s) 10 and 20**, Kennedy discloses a Voice over Internet Protocol device, wherein the selector module further includes a database of telephone numbers in the database, indicating whether VoIP or PSTN is the preferred communication route for a given telephone number (paragraph 0030).

Regarding **claim(s) 11**, Kennedy discloses a Voice over Internet Protocol device further comprising a POTS telephone (typically with 600 ohms impedance) (paragraph 0033).

***Allowable Subject Matter***

4. **Claim(s) 7 and 12** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner  
Art Unit 2614

/GG/  
October 25, 2007